

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN**

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

)  
) Chapter 9  
)  
) Case No. 13-53846  
)  
) Hon. Steven W. Rhodes  
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**COP OBJECTORS' STATEMENT COMPLYING WITH THE ORDER REGARDING  
IDENTIFYING LEGAL ISSUES RELATING TO CONFIRMATION**

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The creditors and parties in interest identified in footnote 1 (collectively, the “COP Objectors”),<sup>1</sup> by their undersigned attorneys, file this Statement Complying with the Order Regarding Identifying Legal Issues Relating to Confirmation [Docket No. 5021] and state the following.

1. The COP Objectors filed objections to confirmation of the *Fourth Amended Plan for the Adjustment of Debts of the City of Detroit* (the “Plan”).<sup>2</sup> (See Docket Nos. 4653, 4656, 4660, and 4679).

2. The principal objections asserted by the COP Objectors consist almost entirely of mixed questions of fact and law, and the factual issues that must be resolved in connection with these objections are substantial. These fact intensive objections to confirmation of the Plan include, but are not limited to, whether:

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<sup>1</sup> The creditors and parties in interest submitting this Objection are: Deutsche Bank AG, London; Dexia Crédit Local; Dexia Holdings, Inc.; Erste Europäische Pfandbrief- und Kommunalkreditbank Aktiengesellschaft in Luxemburg S.A.; Financial Guaranty Insurance Company; FMS Wertmanagement AöR; Hypothekenbank Frankfurt AG; Hypothekenbank Frankfurt International S.A.; Syncora Capital Assurance Inc.; Syncora Guarantee Inc.; and Wilmington Trust, National Association, as Successor Contract Administrator.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Plan. All references to “Section” are to the Bankruptcy Code, 11 U.S.C. §§ 101–1532.

(a) the Plan unfairly discriminates and cannot be confirmed pursuant to sections 901 and 1129(b)(1) of the Bankruptcy Code;

(b) the Plan is not in the best interests of creditors, is not fair and equitable, has not been proposed in good faith, and, as a result, cannot be confirmed pursuant to sections 901, 943(b)(1), 943(b)(7), 1129(a)(3), and 1129(b)(2)(B) of the Bankruptcy Code;

(c) the compromises and settlement embodied in the Plan do not meet the standards of Bankruptcy Rule 9019 or other applicable bankruptcy law; and

(d) the Plan is not feasible and cannot be confirmed pursuant to 943(b)(7) of the Bankruptcy Code.

3. Certain other objections variously asserted by the COP Objectors may raise primarily legal issues, but (a) a final determination in that regard will need to await the conclusion of fact discovery, and (b) in any event, resolution of these issues at a separate hearing will not materially improve the efficiency of the plan confirmation hearing.

4. Accordingly, the COP Objectors assert that none of their objections to confirmation of the Plan should be scheduled for a separate hearing on only legal issues and, instead, all of their objections should be heard in connection with the main plan confirmation hearing and should be decided only upon a fully developed factual record.

Dated: May 27, 2014.

Respectfully submitted,

/s/ Mark R. James

Ernest J. Essad Jr.

Mark R. James

WILLIAMS, WILLIAMS, RATTNER &  
PLUNKETT, P.C.

280 North Old Woodward Avenue, Suite 300  
Birmingham, MI 48009

Tel: (248) 642-0333

Fax: (248) 642-0856

Email: [EJEssad@wwrplaw.com](mailto:EJEssad@wwrplaw.com)

Email: [mrjames@wwrplaw.com](mailto:mrjames@wwrplaw.com)

and

Alfredo R. Pérez

WEIL, GOTSHAL & MANGES LLP

700 Louisiana Street, Suite 1700

Houston, TX 77002

Tel: (713) 546-5000

Fax: (713) 224-9511

Email: [alfredo.perez@weil.com](mailto:alfredo.perez@weil.com)

*Attorneys for Financial Guaranty Insurance  
Company*

/s/ Matthew G. Summers

Matthew G. Summers, Esquire

Ballard Spahr LLP

919 North Market Street, 11th Floor  
Wilmington, Delaware 19801

Tel: (302) 252-4428

Fax: (302) 252-4466

E-mail: [summersm@ballardspahr.com](mailto:summersm@ballardspahr.com)

Howard S. Sher, Esquire (P38337)

Jacob & Weingarten, P.C.

Somerset Place

2301 W. Big Beaver Road, Suite 777

Troy, Michigan 48084

Tel: (248) 649-1200

Fax: (248) 649-2920

E-mail: [howard@jacobweingarten.com](mailto:howard@jacobweingarten.com)

and

Vincent J. Marriott, III, Esquire

Ballard Spahr LLP

1735 Market Street, 51st Floor

Philadelphia, Pennsylvania 19103

Tel: (215) 864-8236

Fax: (215) 864-9762

E-mail: [marriott@ballardspahr.com](mailto:marriott@ballardspahr.com)

*Attorneys for Hypothekenbank Frankfurt AG,  
Hypothekenbank Frankfurt International S.A.,  
Erste Europäische Pfandbrief- und  
Kommunkreditbank Aktiengesellschaft in  
Luxemburg S.A.*

/s/ Ryan Blaine Bennett

James J.M. Sprayregen, P.C.  
Ryan Blaine Bennett  
Stephen C. Hackney  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60605  
Telephone: (312) 862-2000  
Facsimile: (312) 862-2200

and

Stephen M. Gross  
David A. Agay  
Joshua Gadharf  
MCDONALD HOPKINS PLC  
39533 Woodward Avenue  
Bloomfield Hills, MI 48304  
Tel: (248) 646-5070  
Fax: (248) 646-5075

*Attorneys for Syncora Capital Assurance Inc.  
and Syncora Guarantee Inc.*

/s/ Rick L. Frimmer

Rick L. Frimmer  
J. Mark Fisher  
Michael W. Ott  
**SCHIFF HARDIN, LLP**  
233 S. Wacker Drive, Suite 6600  
Chicago, IL 60606  
Telephone: (312) 258-5600  
Facsimile: (312) 258-5600  
E-mail: [rfrimmer@schiffhardin.com](mailto:rfrimmer@schiffhardin.com)  
E-mail: [mfisher@schiffhardin.com](mailto:mfisher@schiffhardin.com)  
E-mail: [mott@schiffhardin.com](mailto:mott@schiffhardin.com)

*Attorneys for FMS Wertmanagement AöR*

/s/ Kenneth E. Noble

Kenneth E. Noble  
John Ramirez  
KATTEN MUCHIN ROSENMAN LLP  
575 Madison Avenue  
New York, NY 10022-2585  
Tel: 212/715-9393  
E-mail: [Kenneth.noble@kattenlaw.com](mailto:Kenneth.noble@kattenlaw.com)

*Counsel for Deutsche Bank AG, London*

/s/ Deborah L Fish

Deborah L Fish  
E-mail: [dfish@allardfishpc.com](mailto:dfish@allardfishpc.com)  
ALLARD & FISH, P.C.  
2600 Buhl Building  
535 Griswold  
Detroit, MI 48226  
Tel.: (313) 309-3171

Thomas Moers Mayer  
Jonathan M. Wagner  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
1177 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 715-9169  
E-mail: [tmayer@kramerlevin.com](mailto:tmayer@kramerlevin.com)

*Counsel for Dexia Crédit Local and Dexia Holdings, Inc.*

/s/ Heath D. Rosenblat

Heath D. Rosenblat, Esquire  
Kristin K. Going, Esquire  
Drinker Biddle & Reath LLP  
1177 Avenue of the Americas, 41st Floor  
New York, NY 10036-2714  
E-mail: [Heath.Rosenblat@dbr.com](mailto:Heath.Rosenblat@dbr.com)  
E-mail: [Kristin.Going@dbr.com](mailto:Kristin.Going@dbr.com)  
Tel: (212) 248-3140  
Fax: (212) 248-3141

*Counsel for Wilmington Trust, National Association, as Successor Contract Administrator*

### **CERTIFICATE OF SERVICE**

I, Matthew G. Summers, state that on May 27, 2014, I filed a copy of the foregoing Statement Complying with the Order Regarding Identifying Legal Issues Relating to Confirmation with the Clerk of Court using the Court's ECF system and I hereby certify that the Court's ECF system has served all registered users that have appeared in the above-captioned case. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

/s/ Matthew G. Summers

Matthew G. Summers

E-mail: [summersm@ballardspahr.com](mailto:summersm@ballardspahr.com)